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PATENT #4

Atty. Docket No. EXT-026

(2457/2)

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MAR 15 2001

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Lapidus and Shuber

SERIAL NUMBER: 09/545,162

GROUP NUMBER: Not assigned

FILING DATE: April 7, 2000

EXAMINER: Not assigned

TITLE: Methods for Detecting Nucleic Acids Indicative of Cancer

Assistant Commissioner for Patents
Washington, D.C. 20231

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AMENDMENT AND REQUEST TO CORRECT INVENTIVE ENTITY
UNDER 37 C.F.R. § 1.48(a)

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Sir:

1. This is an amendment and request to: (check each applicable item)

☒ correct under 37 C.F.R. § 1.48(a) the inventive entity set forth by error in a previously executed oath or declaration under 37 C.F.R. § 1.63.

and/or

☐ delete inventor(s) under 37 C.F.R. § 1.48(b) for subject matter no longer claimed.

and/or

☐ add inventor(s) for subject matter disclosed in the application but previously unclaimed under 37 C.F.R. § 1.48(c).

2. Applicants request that, in view of statements herein and/or attachments provided herewith, the below-named inventor be deleted from the inventive entity for this application as filed on April 7, 2000. This application claims priority to a April 9, 1999 filing date via parent provisional application U.S.S.N. 60/128,629.

(please check and complete all applicable items)

☐ The person to be added as an inventor of this application is:

☒ The inventor to be deleted from this application is:

Stanley N. Lapidus

3. Application in Interference

☐ This application is involved in an interference, i.e., Patent Interference No. 104,615. In accord with 37 C.F.R. § 1.48(b), this Amendment and Request is accompanied by a

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Amendment and Request To Correct Inventive Entity
Under 37 C.F.R. §1.48(b)
Page 2 of 2

motion under 37 C.F.R. § 1.634, i.e., Party Vestal's Motion No. 3 (To Correct Inventorship Under 37 C.F.R. § 1.634).

4. **Fee Payment (37 C.F.R. §1.17(i))**

The fee required for consideration of this petition is paid as follows (also see Fee Transmittal):

- ☒ Enclosed is a check in the amount of \$130.00 to cover the processing fees under 37 C.F.R. §1.48(a) as set forth in 37 C.F.R. §1.17(i).
- ☒ Charge Account 20-0531 for any fee deficiency.
- ☐ Charge Account 20-0531 the sum of \$130.00.

5. **Amendment of Inventive Entity.**

Please delete Stanley N. Lapidus from the inventive entity.

Please amend the inventive entity to be Anthony P. Shuber as a sole inventor.

6. **Attachments:**

- (1) A statement from Stanley N. Lapidus that the error in inventorship occurred without deceptive intent on his part, as required by 37 CFR §1.48(a)(2);
- (2) A declaration by Anthony P. Shuber, as required by 37 CFR §1.48(a)(3);
- (3) The processing fee of \$130.00, as set forth in 37 CFR §1.17(i); and
- (4) The written consent of the assignee as required by 37 CFR §1.48(a)(5).

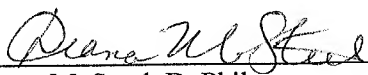
If, for any reason, this Amendment is found not to comply with the requirements of 37 C.F.R. §1.48(a), or is otherwise found improper, it is requested that the undersigned attorney/agent be contacted by telephone.

Respectfully Submitted,

Date: March 8, 2001
Reg. No. 43,153

Tel. No. (617) 310-8168
Fax: (617) 248-7100

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Diana M. Steel, D. Phil.
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

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**STATEMENT OF PERSON ERRONEOUSLY NAMED AS INVENTOR
(37 C.F.R. §1.48(a)(2))**

Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

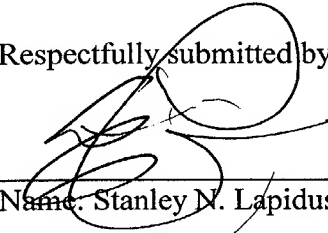
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1. This is a statement in support of an amendment and petition to correct inventorship, submitted concurrently herewith, under 37 CFR §1.48(a).
2. I, Stanley N. Lapidus, was included in the inventive entity designated in the executed Declaration under 37 CFR §1.63 submitted in this application on July 11, 2000.
3. I was included in the inventive entity through an error which occurred without deceptive intent on my part.
4. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, all statements made herein are made with the knowledge that willful concealment of material facts, willful false statements, and the like, made by me are punishable by fine or imprisonment or both under 18 U.S.C. 1001, and that such willful concealment and/or false statements may jeopardize the validity of the application, or the validity or enforceability of any patent issuing thereon.

Statement of Person Erroneously Named as Inventor
(37 C.F.R. §1.48(a)(2))
Page 2

5. To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, this paper is not being presented for any improper purpose, such as harassment or delay. Further, the contentions made herein are warranted by law and are supported by facts available for consideration as evidence.

Respectfully submitted by:


Name: Stanley N. Lapidus

On:

Feb 8 2001
(date)